

## REMARKS

This Reply is in response to the Office Action mailed on November 16, 2005 in which Claims 1-11, 60 and 61 were withdrawn and in which Claims 12-59 were rejected.

With this response, Claims 1-11, 60 and 61 are cancelled without prejudice to further prosecution on the merits; Claims 12, 13, 16, 17, 20, 22, 24, 27, 29, 30, 35, 37, 39, 42, 44, 45, 47, 50, 52, 54, 57 and 59 are amended; and Claims 62-70 are added. Reconsideration and allowance of Claims 12-59 and 62-70 are respectfully requested.

### I. Examiner Interview Summary.

On January 3, 2006, a telephonic interview was held between Examiner Cocks and Applicants' attorney, Todd A. Rathe. The rejection of Claims 12-59 based upon U.S. Patent No. 5,313,876 (Hilger) was discussed. Although no agreement was reached, the Applicants wish to thank Examiner Cocks for the opportunity to discuss the rejections.

### II. Provisional Election Affirmation.

Paragraph 1 of the Office Action noted that a restriction requirement was imposed upon originally filed Claims 1-61. Paragraph 3 noted that during a telephone conversation on November 9, 2005, a provisional election was made to prosecute the invention of Group II, Claims 12-59. The Applicants hereby affirm election of Group II, Claims 12-59. With this response, the Applicants further cancel withdrawn Claims 1-11, 60 and 61 without prejudice to further prosecution on the merits.

### III. Rejection of Claims 12-59 Under 35 U.S.C. § 102 Based Upon Hilger.

Paragraph 6 of the Office Action rejected Claims 12-59 under 35 U.S.C. § 102(b) as being anticipated by Hilger, U.S. Patent No. 5,313,876. Claims 12-59, as amended, overcome the rejection based upon Hilger.

A. Independent Claim 12.

Claim 12, as amended, recites a food serving station which includes one or more wells, a drain manifold fluidly coupled to each of the one or more wells, and an overflow conduit. The overflow conduit is coupled between the drain manifold and a drain so as to transmit fluid from the drain manifold towards the drain in response to a level of fluid in the one or more wells being at or above a predetermined level, wherein the overflow conduit is entirely external to the one or more wells without passing through or across a wall of the one or more wells.

Hilger fails to disclose or suggest a food serving station that has an overflow conduit coupled between a drain manifold and a drain so as to transmit fluid from the drain manifold towards the drain, wherein the overflow conduit is entirely external to the one or more wells without passing through or across a wall of the one or more wells. In contrast, Hilger merely discloses plumbing 28 fluidly coupled between overflow weir 26 and conduit 24. Plumbing 28 is not coupled between a drain manifold, such as conduit 24 and its drain. Plumbing 28 does not transmit fluid from conduit 24 towards a drain. Rather, plumbing 28 transmits fluid from the well to the drain manifold or conduit 24. Moreover, plumbing 28 is not entirely external to the cooking vat 14 (characterized as a well) and does pass through or across wall 14a of cooking vat 14. Accordingly, Claim 12, as amended, overcomes the rejection based upon Hilger. Claims 13-28 depend from Claim 12 and overcome the rejection for the same reasons.

B. Dependent Claim 13.

Claim 13, as amended, depends from Claim 12 and further recites a fill valve fluidly coupled to the drain manifold and adapted to be coupled to a fluid source, wherein the fill valve is movable between an open position in which fluid from the fluid fill source is permitted to flow into the manifold and from the manifold into at least one of the one or more wells in a closed position.

Hilger fails to disclose a fill valve fluidly coupled to the drain manifold and adapted to be coupled to a fluid source such that the fill valve is movable between an open position in

which fluid from the fluid source is permitted to flow into the manifold and from the manifold into at least one of the one or more wells. In contrast, Hilger merely discloses a fill valve 32. Fill valve 32 is not fluidly coupled to conduit 24 (characterized as the drain manifold). Moreover, fill valve 32 of Hilger is not configured such that when the fill valve is in an open position, fluid from the fluid source is configured to flow into conduit 24 (characterized as the manifold) and from conduit 24 into cooking vat 14 (characterized as the well). Accordingly, Claim 13, as amended, overcomes the rejection based upon Hilger. Claims 14-24 depend from Claim 13 and overcome the rejection for the same reasons.

C. Dependent Claim 16.

Claim 16, as amended, depends from Claim 14 and recites at least one sensor having a sensing portion configured to contact fluid contained by the station and wherein the sensing portion is external to the one or more wells.

Hilger fails to disclose at least one sensor having a sensing portion configured to contact fluid contained by the station, wherein the sensing portion is external to the one or more wells. In contrast, Hilger merely discloses low and high water level detector probes 46 and 48 which are within cooking vat 14 (characterized as a well). Probes 46 and 48 must be positioned in the well, rather than external to the well, in order to function. Accordingly, Claim 16, as amended, overcomes the rejection based upon Hilger. Claim 17 depends from Claim 16 and overcomes the rejection for the same reasons.

D. Dependent Claim 25.

Claim 25 depends from Claim 12 and recites at least one heat source supported below the one or more wells and configured to heat fluid within the one or more wells. Hilger fails to disclose such a heat source. In contrast, Hilger merely discloses a heating element 42 within cooking vat 14 (characterized as the well). Accordingly, Claim 25 overcomes the rejection based upon Hilger.

E. Dependent Claims 26 and 27.

Claim 26 depends from Claim 12 and recites a processor configured to calculate a volume of fluid within the one or more wells based upon a volume of fluid supplied to the one or more wells from a fluid source and an amount of fluid removed from the one or more wells.

Claim 27, as amended, depends from Claim 26 and further recites that the processor is configured to calculate the amount of fluid removed within the one or more wells based upon an estimated or sensed rate of evaporation of the fluid.

Hilger fails to disclose the processor recited in Claim 26 or Claim 27. Nowhere does Hilger disclose a processor which calculates a volume of fluid within the one or more wells based upon a volume of fluid supplied to the one or more wells from a fluid source and an amount of fluid removed from the one or more wells. Moreover, nowhere does Hilger disclose a processor that calculates the amount of fluid removed from the one or more wells based upon an estimated or sensed rate of evaporation of the fluid. In contrast, Hilger merely discloses a microprocessor 62 which performs the steps recited in the flow charts of Figures 8-16 (see col. 5, lines 25-28). The program represented by the flow charts of Figures 8-16 says nothing about calculating a volume of fluid within the one or more wells based upon a volume of fluid supplied to the one or more wells from a fluid source and an amount of fluid removed from the one or more wells, or wherein the processor calculates the amount of fluid removed from the one or more wells based upon an estimated or sensed rate of evaporation of the fluid. Accordingly, Claims 26 and 27 overcome the rejection based upon Hilger for this additional reason. Claim 28 depends from Claim 27 and overcomes the rejection for the same reasons.

F. Independent Claim 29.

Claim 29, as amended, recites a food serving station which includes a drain manifold fluidly coupled to each of the one or more wells and a fill valve coupled to the drain manifold and external to the one or more wells, wherein the fill valve is configured to be movable to an

open position in which fluid flows into the manifold and from the manifold into at least one of the one or more wells.

Hilger fails to disclose a fill valve coupled to a drain manifold or a fill valve configured to be moved to an open position in which fluid flows into the manifold and from the manifold into at least one of the one or more wells. In contrast, Hilger merely discloses a fill valve 32. Fill valve 32 is not coupled to conduit 24 (characterized as the drain manifold). Moreover, opening of fill valve 32 does not result in fluid flowing into conduit 24 and from conduit 24 into cooking vat 14 (characterized as a well). Rather, when fill valve 32 is opened, fluid presumably flows through hose 38, not conduit 24, into cooking vat 14. Accordingly, Claim 29, as amended, overcomes the rejection based upon Hilger. Claims 30-43 depend from Claim 29 and overcome the rejection for the same reasons.

G. Dependent Claim 40.

Claim 25 depends from Claim 12 and recites at least one heat source supported below the one or more wells and configured to heat fluid within the one or more wells. Hilger fails to disclose such a heat source. In contrast, Hilger merely discloses a heating element 42 within cooking vat 14 (characterized as the well). Accordingly, Claim 25 overcomes the rejection based upon Hilger.

H. Dependent Claims 41 and 42.

Claim 41 depends from Claim 29 and recites a processor configured to calculate a volume of fluid within the one or more wells based upon a volume of fluid supplied to the one or more wells from a fluid source and an amount of fluid removed from the one or more wells.

Claim 42, as amended, depends from Claim 41 and further recites that the processor is configured to calculate the amount of fluid removed within the one or more wells based upon an estimated or sensed rate of evaporation of the fluid.

Hilger fails to disclose the processor recited in Claim 41 or Claim 42. Nowhere does Hilger disclose a processor which calculates a volume of fluid within the one or more wells based upon a volume of fluid supplied to the one or more wells from a fluid source and an amount of fluid removed from the one or more wells. Moreover, nowhere does Hilger disclose a processor that calculates the amount of fluid removed from the one or more wells based upon an estimated or sensed rate of evaporation of the fluid. In contrast, Hilger merely discloses a microprocessor 62 which performs the steps recited in the flow charts of Figures 8-16 (see col. 5, lines 25-28). The program represented by the flow charts of Figures 8-16 says nothing about calculating a volume of fluid within the one or more wells based upon a volume of fluid supplied to the one or more wells from a fluid source and an amount of fluid removed from the one or more wells, or wherein the processor calculates the amount of fluid removed from the one or more wells based upon an estimated or sensed rate of evaporation of the fluid. Accordingly, Claims 41 and 42 overcome the rejection based upon Hilger for this additional reason. Claim 42 depends from Claim 41 and overcomes the rejection for the same reasons.

I. Independent Claim 44.

Claim 44, as amended, recites a food serving station which includes at least one sensor fluidly coupled to the one or more wells and having a fluid contacting portion external to the one or more wells. The fluid sensor is configured to identify a volume of fluid within the one or more wells.

Hilger fails to disclose at least one sensor fluidly coupled to the one or more wells so as to identify a volume of fluid within the one or more wells, wherein the sensor has a fluid contacting portion external to the one or more wells.

J. Dependent Claims 45 and 47.

Claims 45 and 47, as amended, depend from Claim 44 and recite that the station includes a first support structure supporting the one or more wells and a second support structure supporting the fill valve and the at least one sensor as a distinct unit from the first support structure. The second support structure is removably coupled to the first support

structure such that the fill valve and the at least one sensor remain connected to one another after the second support structure is removed from the first support structure.

Hilger fails to disclose a first support structure supporting cooking vat 14 (characterized as a well) and a second support structure supporting both fill valve 32 and low and high water level detector probes 46 and 48 (characterized as the sensor) such that the fill valve 32 and probes 46 and 48 remain connected to one another even after fill valve 32 and probes 46, 48 are removed from the structure supporting cooking vat 14. Rather, to remove heat, fill valve 32 and probes 46, 48 would result in fill valve 32 and probes 46, 48 being disconnected from one another as well, and not being connected to one another by a separate support structure. Accordingly, Claims 45 and 47, as amended, overcome the rejection based upon Hilger for this additional reason.

K. Dependent Claim 55.

Claim 55 depends from Claim 44 and recites at least one heat source supported below the one or more wells and configured to heat fluid within the one or more wells. Hilger fails to disclose such a heat source. In contrast, Hilger merely discloses a heating element 42 within cooking vat 14 (characterized as the well). Accordingly, Claim 55 overcomes the rejection based upon Hilger.

L. Dependent Claims 56 and 57.

Claim 56 depends from Claim 44 and recites a processor configured to calculate a volume of fluid within the one or more wells based upon a volume of fluid supplied to the one or more wells from a fluid source and an amount of fluid removed from the one or more wells.

Claim 57, as amended, depends from Claim 56 and further recites that the processor is configured to calculate the amount of fluid removed within the one or more wells based upon an estimated or sensed rate of evaporation of the fluid.

Hilger fails to disclose the processor recited in Claim 56 or Claim 57. Nowhere does Hilger disclose a processor which calculates a volume of fluid within the one or more wells based upon a volume of fluid supplied to the one or more wells from a fluid source and an amount of fluid removed from the one or more wells. Moreover, nowhere does Hilger disclose a processor that calculates the amount of fluid removed from the one or more wells based upon an estimated or sensed rate of evaporation of the fluid. In contrast, Hilger merely discloses a microprocessor 62 which performs the steps recited in the flow charts of Figures 8-16 (see col. 5, lines 25-28). The program represented by the flow charts of Figures 8-16 says nothing about calculating a volume of fluid within the one or more wells based upon a volume of fluid supplied to the one or more wells from a fluid source and an amount of fluid removed from the one or more wells, or wherein the processor calculates the amount of fluid removed from the one or more wells based upon an estimated or sensed rate of evaporation of the fluid. Accordingly, Claims 56 and 57 overcome the rejection based upon Hilger for this additional reason. Claim 58 depends from Claim 57 and overcomes the rejection for the same reasons.

M. Independent Claim 59.

Claim 59, as amended, recites a food serving station which includes a drain outlet, an overflow outlet and at least one sensor configured to identify a volume of fluid within one or more wells, wherein no greater than two of the drain outlet, the overflow outlet and the at least one sensor requires ports through the walls of the one or more wells.

Hilger fails to disclose or suggest such a food serving station. In contrast, Hilger requires three ports or openings through the walls of cooking vat 14 (characterized as the well). In particular, Hilger requires an opening for overflow plumbing 28, another port for drain conduit 24 and yet another port or opening for the supporting of probes 46, 48. Accordingly, the rejection of Claim 59 based upon Hilger is improper and should be withdrawn.

IV. Added Claims 62, 64, 66 and 68.



Claims 62, 64, 66 and 68 depend from Claims 12, 29, 44 and 59, respectively, and recite that the station includes a first well and a second well, and a drain manifold in connection with both the first well and the second well. No new matter has been added. Hilger fails to disclose a station including two such wells. In contrast, Hilger merely discloses a single well (cooking vat 14) and a conduit 24 which is connected only to cooking vat 14. Nowhere does Hilger disclose that conduit 24 is also connected to holding vat 16. Accordingly, added Claims 62, 64, 66 and 68 are believed to be patentably distinct over the prior art of record and are presented for consideration and allowance.

V. Added Claims 63, 65, 67 and 69.

Added Claims 63, 65, 67 and 69 depend from Claims 62, 64, 66 and 68, respectively, and further recite a fluid source or fluid supply fluidly connected to the first and second wells by the drain manifold so as to supply fluid through the drain manifold to the first and second wells. No new matter has been added. As noted above, Hilger fails to disclose first and second wells. Moreover, Hilger fails to disclose a fluid source connected to such wells, wherein fluid is supplied to the wells through a drain manifold. In contrast, the only way in which fluid is supplied to cooking vat 14 of Hilger is through hose 38, not through conduit 24 (characterized as the drain manifold). Accordingly, added Claims 63, 65, 67 and 69 are believed to be patentably distinct over the prior art of record and are presented for consideration and allowance.

VI. Added Claim 70.

Added Claim 70 recites an apparatus which includes a plurality of wells, each well including a single opening through the walls or floors of the well, a fluid supply, a drain and a manifold selectively connected to the supply and the drain. No new matter has been added.

Neither Hilger nor the prior art of record disclose or suggest a plurality of wells, wherein each well includes a single opening. In contrast, Hilger discloses cooking vat 14 (characterized as a well) which includes at least four openings including an opening for overflow weir 26, an opening for drain conduit 24, an opening for spray nozzle 40 and an opening for mounting probes 46, 48. Moreover, neither Hilger nor the prior art of record

disclose a manifold that is configured to be selectively connected to either a fluid supply to supply fluid to the well or a drain. In contrast, drain conduit 24 is configured to only be connected to cooking vat 14, conduit 24 is not disclosed as being selectively connectable to a fluid supply. Thus, added Claim 70 is presented for consideration and allowance.

VII. Conclusion.


Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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